

RESOLUTION NO. 2023-0015

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF EUREKA
REPORTING ON THE CONFORMITY WITH THE GENERAL PLAN OF THE VACATION
OF THE 5TH STREET AND MYRTLE AVENUE RIGHTS-OF-WAY, AND RECOMMENDING
THE CITY COUNCIL APPROVE THE APPLICATION TO SUMMARILY VACATE THE
RIGHTS-OF-WAY

WHEREAS, as a result of the 5th and R Street realignment, portions of the 5th Street and Myrtle Avenue rights-of-way became unnecessary for public road use;

WHEREAS, in 2003, the City accepted the right-of-way from Caltrans, but the property has not been vacated; and

WHEREAS, the City of Eureka is proposing to vacate two portions of right-of-way, one is the “parking lot” portion and is approximately 9,050 square feet, and the second is the “triangular” piece which is roughly 1,175 sf;

WHEREAS, California Streets and Highways Code, Section 8300 et seq., grants authority to vacate public right-of-way within City limits to the Eureka City Council; and

WHEREAS, California Government Code Section 65402 requires, prior to the City Council vacating a street right-of-way, the location, purpose and extent of the proposed right-of-way vacation must be submitted to and reported upon by the Planning Commission as to conformity with the adopted General Plan; and

WHEREAS, the Planning Commission of the City of Eureka did hold a duly notice public hearing at City Hall, in the City of Eureka on June 12, 2023 at 5:30 p.m. in the Council Chamber; and

WHEREAS, the Planning Commission of the City of Eureka has reviewed the subject application in accordance with California Streets and Highways Code, Section 8300 et. seq., and California Government Code Section 65402, and after due consideration of all testimony, evidence, and reports offered at the public hearing, does hereby find and report the following facts:

1. The location, purpose and extent of the 5th and Myrtle rights-of-way vacation is in conformance with the existing General Plan.
2. The proposed vacation is a discretionary action subject to environmental review in accordance with the California Environmental Quality Act (CEQA); however, the project qualifies for a Class 5 exemption (Section 15305) from CEQA which exempts minor alterations in land uses.

WHEREAS, in the opinion of the Planning Commission of the City of Eureka, the proposed application to surplus property should be approved subject to the following conditions:

- A. The City shall retain the appropriate utility easement as shown on Attachment 2, Right-of-Way Vacation and Public Utilities Easement and Access (C and D) of the Planning Commission Staff Report.

NOW THEREFORE, BE IT RESOLVED the Planning Commission of the City of Eureka does hereby recommend the City Council vacate the 5th and Myrtle rights-of-way as proposed, subject to the condition listed above.

PASSED, APPROVED AND ADOPTED by the Planning Commission of the City of Eureka in the County of Humboldt, State of California, on the 12th day of June, 2023 by the following vote:

AYES: COMMISSIONERS BENSON, FREITAS, KRAFT, LAZAR, MAIER
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE



Meredith Maier Chair, Planning Commission

Attest:



Cristin Kenyon, Executive Secretary